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| Applicants: | Cary B. Cochenour and Craig G. Cochenour | Group Art Unit: Examiner: | 3739 Kenneth C. Williams |
| Serial No. | 10/785,555 | Confirmation No. | 8139 |
| Title: | Patient Activated Temperature- Controlled Surface | Attorney Docket No. | 040073 |

DECLARATION OF CRAIG G. COCHENOUR
Under 37 C.F.R. § 1.131

I, Craig G. Cochenour, am a joint inventor of the "Patient Activated Temperature-Controlled Surface" that is disclosed and claimed in the above-captioned Application. I am a pharmacist. Beginning in 1981, I have dispensed medication and health support aids to the geriatric public.

In 1990 my family purchased a female terrier dog. Eventually, the terrier became a geriatric canine. As with geriatric human beings, the geriatric canine population also suffers from arthritis and other musculoskeletal maladies.

Each year my son participates in an elementary school science fair. The parents of the children are encouraged to help their child with the project. The science fair culminates in a competition among the participants and is held in late February or early March of each year. The school science fair committee advises each participant and parent(s) to start early on their project. The science fair committee requires the participants to submit a working model of the invention. Since we participate each year in the annual elementary science fair, my son and I are very aware that plenty of time is needed well in advance of the actual date of the science fair competition to first conceive of an invention and then to prepare a working model of the invention. My son and I were focused on inventing something that would be helpful for our

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aging terrier. My minor son, Cary B. Cochenour, and I conceived the invention disclosed and claimed in the above-captioned Application on or before January 11, 2003, in North Huntingdon, Pennsylvania, USA. My personal handwritten calendar for January 2003 shows January 11, 2003 as the day that my minor son, Cary, and I discussed the invention. A true and correct copy of my personal handwritten calendar for the month of January, 2003 is attached as Exhibit A. I keep a personal calendar for each month of the year, and I have kept such a monthly calendar for each year for the past seventeen years. As shown on Exhibit A, January 11, 2003 bears an entry "Cary Science Project" indicating that we discussed the invention at least as early as January 11, 2003. I submit that at least as early as January 11, 2003, the invention was conceived by me and my joint inventor. The conception date on or before January 11, 2003 is a date: (i) prior to the October 7, 2004 publication date of "Park" U.S. Patent Application Publication No. 2004/0195227, and (ii) prior to the January 15, 2003 filing date of the "Park" Provisional Application 60/440,306, relied upon by the Examiner. As evidence in support of these facts, Applicants submit the attached Supporting Statement of Witness of Colleen D. Cochenour.

My conception of the invention, that is disclosed and claimed in the above-captioned utility Application, was then followed by a diligent reduction to practice in January and February 2003 as established by the following evidence, all of which took place in North Huntingdon, Pennsylvania, USA. Exhibit A shows my personal calendar entries for continued work on the invention in January 2003 as follows: (i) January 18, 2003 "Cary Project", and (ii) January 25, 2003 "Project". Exhibit B, attached hereto, is a true copy of my personal handwritten calendar for February, 2003. Exhibit B shows continued entries for work on the invention as follows: (i) February 1, 2003 "Project", (ii) February 8, 2003 "Science Project", and (iii) February 15, 2003 "Project Finish Model". Exhibit C shows a copy of my family's credit card receipt (account


number redacted) dated February 7, 2003 wherein the "Sunbeam" heating pad was purchased for construction of one embodiment of my working full size physical invention. Exhibit D shows a copy of a true and correct photograph of one embodiment of the full size working patient activated temperature-controlled surface of the present invention that was completed on February 15, 2003 that supplies heat to the floor of the invention and being used successfully by our thirteen year old geriatric, arthritic Yorkshire Terrier dog. The invention worked successfully as described in the above-captioned Patent Application. Exhibit E shows a copy of a true and correct photograph of a front view of one embodiment of the patient-activated temperature-controlled surface of the present invention that was completed on February 15, 2003 wherein one may view a number of the elements of the full size working invention. Exhibit F shows a copy of my family's credit card receipt (account number redacted) dated February 19, 2003 for purchase of safety pins that were used in one embodiment of my invention to secure the "Sunbeam" heating pad (i.e. the temperature source capable of supplying heat) in juxtaposition to the floor of the patient activated temperature-controlled surface or of the animal bed for transportation of the invention to the Norwin Science Fair held on February 28, 2003 at Scull Elementary School, Irwin, Pennsylvania, USA. Further, Exhibit D shows the purchase of photographic film for use in taking additional photographs of the finished full size working invention for the preparation of a poster board for the invention to be entered as an exhibit in the Norwin Science Fair. I submit that all of the above show evidence demonstrating a diligent reduction to practice of my invention on February 15, 2003 following conception of my invention on at least as early as January 11, 2003.

On February 28, 2003, Cary B. Cochenour and I filed Provisional Patent Application No. 60/450,859 for our invention and to which the above-captioned utility Application claims the

benefit of priority thereto. This evidences diligent preparation and filing of the Application. The above-captioned utility patent Application (Serial No. 10/785,555) was filed by Cary B. Cochenour and me on February 24, 2004, and discloses and claims the invention disclosed and claimed in Provisional Patent Application No. 60/450,859.

I declare that the foregoing is true and correct, that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the Application or any patent issuing thereon.

Date: December 30, 2005


Craig G. Cochenour

2003 February

| January 2003 | Sunday | Monday | Tuesday | Wednesday | Thursday | Friday | Saturday |
|--|---------------------------|---|---|--|--|---|---|
| S M T W T F S 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 | | | | | | | 1 32/33 Chinese New Year Page of |
| February 2003 S M T W T F S 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 | 2 33/32 | 3 34/31 3:00 PM Lunch 2:00 Video | 4 35/30 IPel Mal 12:00 4:00 PM Family | 5 36/29 Anniversary of the Constitution (M) Dug. Man 7:00 PM Family | 6 37/32 Tim Junch 11:45 GUPMC | 7 38/31 9:30 PM 10:00 Kears 7:00 PM GUPMC | 8 39/30 4:00 PM Anniversary of ML 350 Take ML 350 3:00 PM GUPMC |
| March 2003 S M T W T F S 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 | 9 40/25 10:00 HATAD | 10 41/24 5:00 PM 2:00 PM 11:15 | 11 42/23 Eid al Adha 10:00 GUPMC | 12 43/22 Lincoln's Birthday (US) CAM SIP | 13 44/21 CAM SIP | 14 45/20 Valentine's Day (L, UK, US) FL 7:00 PM CAM SIP | 15 46/19 PROJECT FALL BIG SLOW |
| April 2003 M T W T F S 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 | 16 47/18 | 17 48/17 President's Day (US) | 18 49/16 2:00 SIP 7:30 PM | 19 50/15 | 20 51/14 NOON Lunch Rocks Club Dug. Man | 21 52/13 | 22 53/12 Washington's Birthday (US) |
| May 2003 S M T W T F S 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 | 23 54/11 | 24 55/10 Flag Day (M) PMS Lunch | 25 56/09 | 26 57/08 8:30 3:40 SIP Lunch | 27 58/07 DU Bn-Meting 1:00 PM | 28 59/06 Science Fair @ Seull | |



Right there with you™

STORE # 6048

8775 NORWIN AVE

NORTH HUNTINGDON, PA 15642

(724)863-9074

YOUR CASHIER TODAY IS BONNIE

ASSOC #06863 REG #005 DRAWER #1

TRANS #04180 TYPE #31 STORE #6048

NORMAL SALE

404662 3-IPS AHGY 2.50

540310 SUNSEAM HEAT PAD 23.99

TOTAL 26.49

CREDIT CARDS 16.49

** THX YOU FOR SHOPPING AT ECKERD **
** 1-800-ECKERDS www.eckerd.com **

I AGREE TO PAY THE ABOVE TOTAL
AMOUNT ACCORDING TO THE CARD
ISSUER AGREEMENT.

Customer Signature

February 07, 2003 08:06 PM

EXHIBIT C

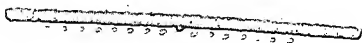
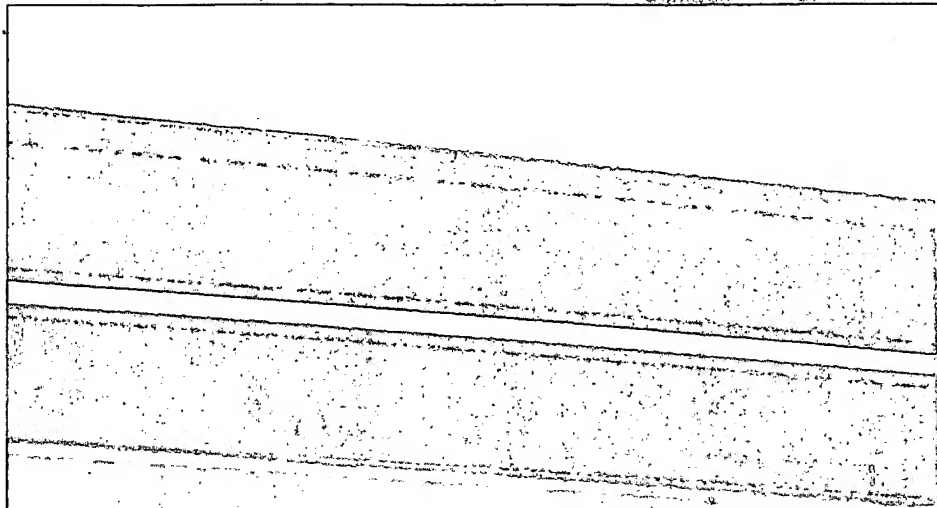


Exhibit D

Exhibit E

PICTURE PERFECT

GIANT EAGLE Store # 0010

Your Cashier Today was Mary R

| | | | | |
|----|--------------------|----|-------|----|
| | PHOTO FINISHING | AC | 6.99 | I |
| | PHOTO FINISHING | AC | 8.99 | I |
| | PHOTO FINISHING | AC | 8.99 | T |
| | GE 35MM FILM | AC | 4.77 | I |
| SC | GE 35MM FIL (1.59) | | 3.18 | -T |
| | GE 35MM FILM | AC | 4.77 | I |
| SC | GE 35MM FIL (1.59) | | 3.18 | -T |
| | GE 35MM FILM | AC | 4.77 | I |
| SC | GE 35MM FIL (1.59) | | 3.18 | -T |
| | SAFETY PINS | | 1.89 | I |
| SC | PHOTO FINISHING | | 1.00 | |
| SC | PHOTO FINISHING | | 1.00 | |
| SC | PHOTO FINISHING | | 1.00 | |
| | *** SUBTOTAL | | 28.63 | |
| | TAX | | 1.72 | |

*** BALANCE 30.35

VISA 30.35

| | |
|------------------------------|-------|
| VISA | 30.35 |
| CHANGE | 0.00 |
| TOTAL NUMBER OF ITEMS SOLD = | 7 |

YOUR GIANT EAGLE SAVINGS TODAY

CARD & STR CPNS \$ 12.54

TOTAL SAVINGS (30 Pct.) \$ 12.54

2/19/03 03.29pm 10 90 43 908

Go to gianteagle.com to learn about
card benefits and helping schools
through Apples For The Students.

You are enrolled in Apples For
The Students. Thank You!

THANK YOU FOR SHOPPING AT GIANT EAGLE.
CUSTOMER CARE CENTER# 1-800-553-2324
CARD # 40163013311



Make every day taste better.

Exhibit F



Applicants: Cary B. Cochenour
and Craig G. Cochenour

Group Art Unit: 3739
Examiner: Kenneth C. Williams

Serial No. 10/785,555

Confirmation No. 8139

Title: Patient Activated Temperature-
Controlled Surface

Attorney Docket No. 040073

SUPPORTING STATEMENT OF WITNESS TO FACTUAL EVIDENCE PRESENTED IN
DECLARATION OF CRAIG G. COCHENOUR UNDER 37 C.F.R. § 1.131

I, Colleen D. Cochenour, am a registered nurse and a professional nurse educator. At least as early as January 11, 2003, I witnessed the verbal disclosure of Cary B. Cochenour and Craig G. Cochenour of the above-captioned invention as described and claimed in US Patent Application Nos. 60/450,859 and 10/785,555, in North Huntingdon, Pennsylvania, United States of America. I have read and understood those Applications.

Cary B. Cochenour and Craig G. Cochenour verbally explained to me the above-captioned invention that is described and claimed in US Patent Application Nos. 60/450,859 ('859) and 10/785,555 ('555) on the morning of January 11, 2003. Cary B. Cochenour and Craig G. Cochenour and I again discussed the details of this invention over lunch. As a nurse, I was particularly interested in the possible health benefits that this invention would provide to an older patient, specifically, a geriatric pet. I remember these morning and lunch discussions and the sunny winter Western Pennsylvania day very clearly since I also purchased a new automobile on that same day.

On the evening of January 11, 2003, Cary B. Cochenour and Craig G. Cochenour showed to me the drawings of their invention that are now generally shown in Figures 1 and 2 of the above-mentioned Patent Application Nos. '859 and '555.

Cary B. Cochenour and Craig G. Cochenour diligently completed their invention from at least as early as January 11, 2003 and continuously did so up to and including the actual reduction to practice of the invention. I saw them work on their invention every evening and weekend from at least as early as January 11, 2003 through at least February 15, 2003. At the request of Cary B. Cochenour and Craig G. Cochenour, I personally purchased a new temperature source for use in the working full scale invention on February 7, 2003. The receipt bearing my signature for this purchase was included in Exhibit "C" of Craig G. Cochenour's Declaration dated April 26, 2005. I witnessed a patient (geriatric dog) resting happily in the full size working invention on February 15, 2003, in North Huntingdon, Pennsylvania, United States of America. On February 28, 2003, I helped Cary B. Cochenour set up his display of this invention at the Norwin School District Science Fair, Scull Elementary School, Irwin, Pennsylvania, United States of America. US Patent Application No. '555, which discloses and claims their invention, was filed in the United States Patent and Trademark Office on that same day.

In summary, I personally understood the invention, as described and claimed in US Patent Application No. 60/450,859 to which the above-captioned utility Patent Application claims priority thereto, as explained to me by Cary B. Cochenour and Craig G. Cochenour at least as early as January 11, 2003, which is a date (i) prior to the October 7, 2004 publication date of "Park" U.S. Patent Application Publication No. 2004/0195227, and (ii) prior to the January 15, 2003 filing date of the "Park" Provisional Application 60/440,306. I am also witness to Cary B. Cochenour's and Craig G. Cochenour's diligent, continuous and complete reduction to practice of the actual physical working patient activated temperature-controlled surface as enjoyed by a resting geriatric canine on February 15, 2003.

I declare that the foregoing is true and correct, that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the Application or any patent issuing thereon.

Date: December 30, 2005

A handwritten signature in black ink, appearing to read 'Colleen D. Cochenour', written over a horizontal line.

Colleen D. Cochenour

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